

AIR QUALITY – PROGRESS UPDATE

Reason for the Report

1. To provide the Committee with an update on:
 - The work being undertaken to ensure that Cardiff complies with the statutory EU air quality targets in the shortest time possible; and,
 - Consider the content of a report titled ‘Air Quality Feasibility Study Outline Business Case – Welsh Government Direction’ that is due to be received by Cabinet on the 21st March 2019.

Background

2. A legal direction sent by the Welsh Government to Cardiff Council in relation to the Environment Act 1995 (feasibility study for Nitrogen Dioxide Compliance) Air Quality Direction 2018, stated that the Council must:
 - Submit “initial scoping proposals” by March 2018 to set out how Cardiff Council would undertake a feasibility study;
 - Submit an “initial plan”, by September 2018, to set out the case for change and develop options for measures that the local authority will implement to deliver compliance with Clean Air targets in the shortest possible time;
 - Submit the “final plan” no later than the 30th June 2019 that sets out in detail the preferred option for delivering compliance in the shortest possible time, including a full business case.
3. The Council has been following a legal process to comply with the direction. To date the Council has submitted ‘initial scoping proposals’ (March 2018) and an ‘initial

plan' to Welsh Government (September 2018). The 'initial plan' presented the results of the initial baseline assessment of the Clean Air Feasibility Study and was approved by Cabinet on the 15th November 2018.

4. The Cabinet report due to be received on the 21st March outlines the results of the next phase of the Clean Air Feasibility Study, and sets out an Outline Business Case on a preferred option to demonstrate the steps the Council will undertake to ensure compliance with the legal direction. Whilst the Direction itself does not specifically require the Council to submit an Outline Business Case (OBC) the development of a Full Business Case (FBC) cannot be achieved without first assessing the OBC. The OBC sets out a preferred option for the Council to implement to achieve compliance in the shortest possible time, and this preferred option needs to be approved by Cabinet in order for the Council to progress to the FBC.
5. The European Union Ambient Air Quality Directive (2008/50/EC) sets legally binding limits for concentrations of certain air pollutants in outdoor air, termed 'limit values' for the protection of human health. The Directive requires that Member States report annually on air quality within zones designated under the Directive and, where the concentration of pollutants in air exceeds limit values, to develop air quality plans that set out measures in order to attain the limit values. The only limit values that the UK currently fails to meet are those set in respect of nitrogen dioxide (NO₂).
6. In regards to the European Union Ambient Air Quality Directive (Directive 2008/50/EC) levels of nitrogen dioxide (NO₂) and Particulate Matter smaller than 10µm (PM₁₀) must not exceed 40µg/m³ as an annual average (i.e. measured over a calendar year).
7. Annex III of the European Directive details specific criteria for the locality of where such limit values apply. Limit Values apply at locations that are accessible, including footpaths but exclude areas within 25m from major road junctions.
8. In order to comply with the Ambient Air Quality Directive the UK government published its action Plan in December 2015. This Plan was successfully challenged in High Court by Client Earth in 2016 for not meeting the requirements of the

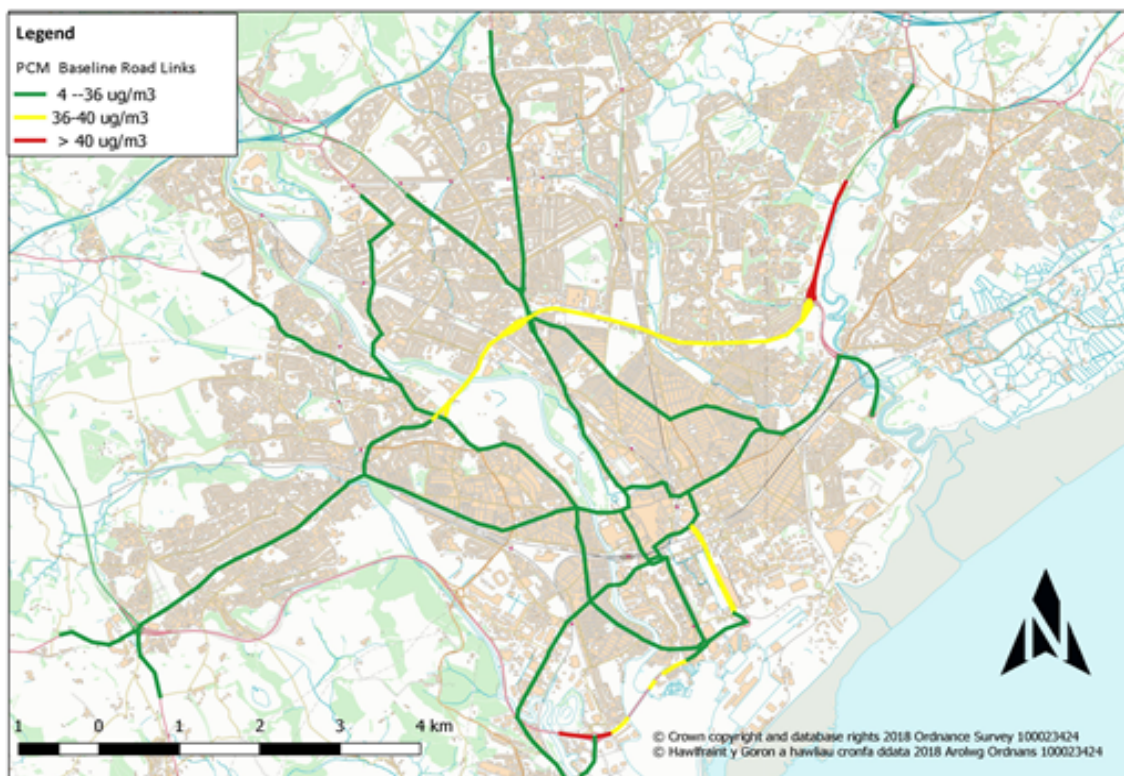
Directive, and specifically Article 23 of the Directive. This case is widely referred to as ClientEarth 2.

9. As a result of the High Court Ruling the UK Government had to redraft and publish a new UK Action Plan for tackling NO₂ concentrations. This was published in July 2017 and identified Cardiff as an area with persistent non-compliance beyond 2022. However, this plan was further challenged by Client Earth, and as a result in January 2018 Welsh Government agreed to a legally-binding 'consent order' with Client Earth. This resulted in a legal direction being served on Cardiff Council under Part IV of the Environment Act 1995, Section 85(7).

Results of the Initial Plan September 2018

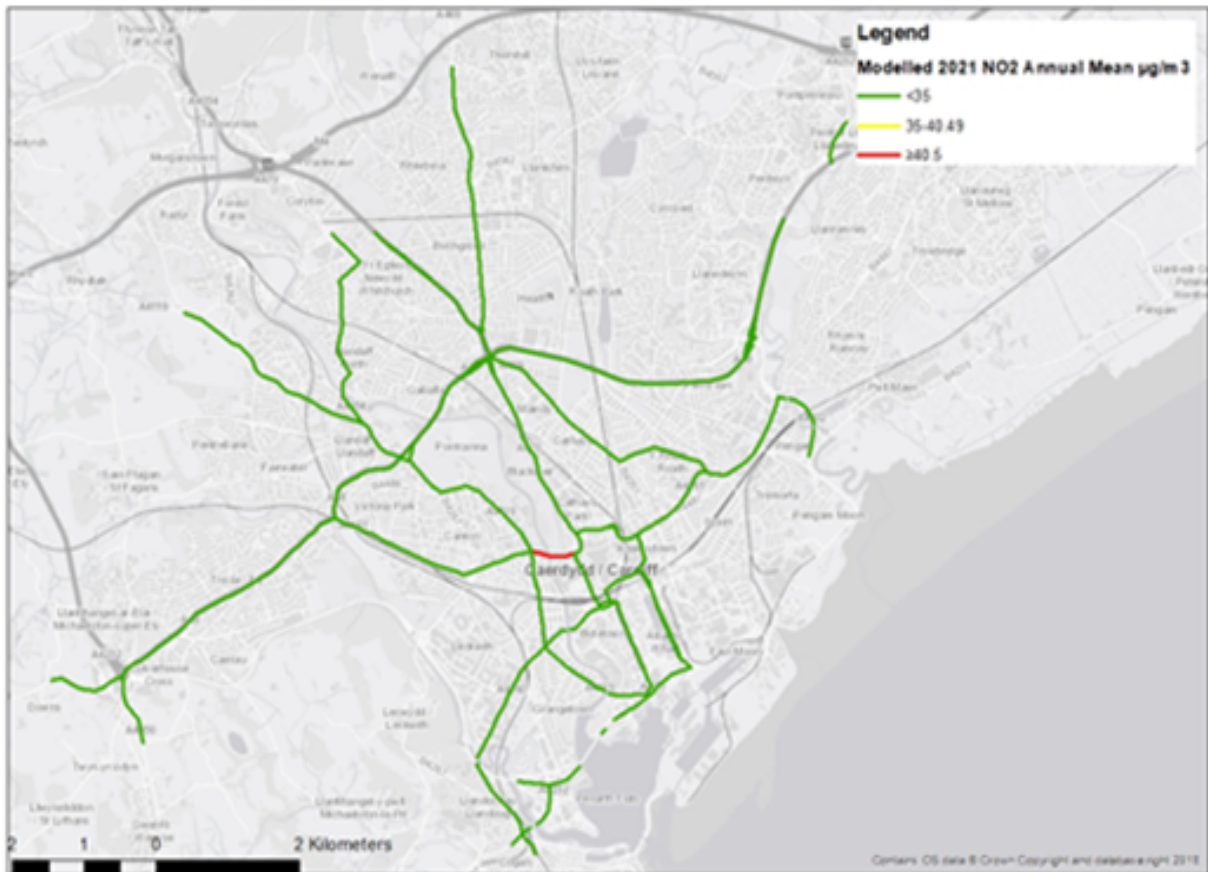
10. The results of the local modelling differed to that undertaken by Defra using the Pollution Climate Mapping model. DEFRA's modelling identified two road links under baseline conditions which were projected to show non-compliance beyond 2021 as detailed in **Figure 1** (below). The roads that were modelled as exceeding the NO₂ annual limit value by 2021 using the DEFRA Model were, the A48 and the A4232.

Figure 1 - Defra PCM Modelling NO₂ Forecast Results 2021



11. The localised modelling reported in the Initial Plan only identified one road link that, under baseline conditions, projected non-compliance beyond 2021; this was the A4161 at Castle Street and is detailed in **Figure 2**.

Figure 2 - Local Modelling Results NO2 Forecast Results 2021



12. In assessing the model data, the main reason for this exceedance relates to very high traffic flows - some 32,000 vehicles a day and accompanying slow speeds of approximately 11mph on this section of road. The main reasons for the differences between the local model results and the pollution climate mapping results is that the local model has a far greater level of detail which is based on local data, and does not rely on national assumptions. This means that is seen as a better representation of local circumstances. The key aspects of the local model that influence the results are as follows:

- Traffic flows are based on a local traffic model;
- Traffic speeds are based on a local model and local traffic master;
- Local fleet data from the ANPR, not just national averages; and,

- Local topology is accounted for in terms of gradient, canyons.

13. As a part of the Initial Plan Report, a long list of measures developed from the Draft Clean Air Strategy and Action Plan (CASAP) were qualitatively assessed against a primary objective of achieving compliance with set air quality objectives in the shortest possible time. The measures were considered against secondary objectives and were subjected to further qualitative assessments against the WeITAG Well-being Aspects. In response to this analysis the following shortlist of measures was assessed and is summarised in **Table 1**.

Table 1 - Initial Shortlist of Measures

Measure Description
CASAP 1
Implement further speed restrictions and enhance already established 20mph Zones.
Development of Cycling Superhighways infrastructure and Expansion of Next bike Scheme.
Implement Zero Emission Buses on Cardiff Network.
Revision to Taxi Licensing Policy to include emissions standards.
CASAP 2
Bus Network Programme- Strategic Bus Network to improve bus networks and efficiency of the services via increased and improved bus lanes.
Accelerate Park and Ride (P & R) programme in NW & NE of Cardiff. NW; Implement new Park and Ride facilities at Junction 33 (750 Spaces) and Llantrisant Road (250 Spaces). NE; expansion of P & R on the A48.
City Centre West and Central Interchange and Eastside City Centre Schemes.
Improve and promote the uptake of low emission vehicles by enhancing Cardiff's EV infrastructure.
Review and implement car parking and car permit charges.

12. It must be noted that the above shortlist of measures were initially identified as measures that would likely have the greatest impact on the road links identified by the pollution climate mapping modelling as being non-compliant, namely the A48 and A4232 near Cardiff Bay.

13. Prior to commencing the assessment of the above measures, further additional measures were also identified owing to the results of the local modelling. These additional measures have been assessed to include a wider Bus Retrofitting Programme, further network improvements on the A470 and a bus based P&R at Nantgawr. These additional measures were assessed as a CASAP 3 package combined with CASAP 1 and 2 to provide an overall package of measures.

14. In addition to assessing the package of measures, as required by the Government Guidance the Council has assessed the effectiveness of a charging Clean Air Zone (CAZ) in terms of whether compliance could be achieved quicker than the proposed measures.
15. Government Guidance is clear that a charging CAZ should only be considered as a preferred option/ implemented if non-charging alternatives have been found to be insufficient to bring about compliance with air quality limits in the shortest possible time. As a result, the OBC has assessed two CAZ options for benchmarking purposes, both of which focus on a small city centre zone. In summary the two CAZ options were assessed as follows:
 - **CAZ 1** – Private cars which did not meet Euro 4 (petrol) or Euro 6(diesel) emission standards would be charged a £10 daily fee for entering the CAZ. No other vehicles were included in the CAZ.
 - **CAZ 2** – Commercial vehicles – HGVs, LGVs, Buses and Taxis which did not meet Euro 4 (petrol) or Euro 6 (diesel) emission standards, would be charged daily rates for entering the CAZ. For HGVs and Buses this was set at £50 and for LGVs and taxis £10.

Results of Modelling the Shortlist of Measures & CAZs

16. Using expert independent analysis from external consultants, localised air quality and transport modelling was undertaken to establish the impact of the CASAP measures and CAZ as to whether compliance could be achieved by 2021. As detailed in the Initial Plan, the baseline assessment shows that by 2021 only Castle Street would breach the EU limit value for NO₂ with concentrations of 41.1 µg/m³ being predicted.
17. The full details of how each of the measures have been assessed in terms of the transportation and air quality modelling are detailed with the in the OBC, but are summarised as follows in **Table 2**.

Table 2 - Summary of Modelling Assumptions of Measures

Measure Description	Modelling Methodology Employed
Active travel packages, covering two areas close to the city centre	For each of the locations a 3.5%-point reduction in the car driver mode share was assumed for trips entirely within the given area, and the car vehicle demand matrices adjusted accordingly.
Cycling programme to end of 2020, covering a corridor north from the city centre	
New 50mph speed limit on A4232 (Culverhouse Cross to Butetown Tunnels)	The representation of the affected section of the A4232 was changed from a national speed limit link type to a 50mph speed limit link type.
Westgate Street mid-point closure to general traffic	The central section of Westgate Street was closed to all cars and goods vehicles to prevent through-movements whilst maintaining local access.
East side scheme, reducing through traffic movements on Station Terrace	Links were opened/closed as appropriate and junctions edited to reflect the proposed scheme.
A48 St Mellons bus-based park and ride	For trips in nearby corridors with a trip end in the city centre, a proportion to be intercepted at the new P&R site was assumed, based upon evidence from existing sites. One of the trip ends for these trips was then reassigned from the city centre to the location of the P&R site.
J33 park and ride	As above, except that the number of trips to be intercepted was calculated using an assumed occupation level (broadly equivalent to current occupation of the East P&R site).
Parking charges and controls, affecting vehicles with non-compliant engines.	UK government Joint Air Quality Unit (JAQU) guidance on option appraisal was used to provide estimates of the effect on trip making of implementing charging zones for non-compliant vehicles. A proportion of vehicles affected by increased parking charges was calculated using parking "event" data provided by Cardiff Council. Non-compliant vehicle trips were then moved to the compliant matrix, removed from the matrices altogether, or left unaltered accordingly.
Smart expressway & traffic management measures on the A470 South (Upper Boat to Coryton) and Traffic management and control measures at Coryton Interchange	Narrow lanes to give extra lane, reallocation of southbound lane to 2 lanes off to Coryton, 1 lane ahead into Cardiff (and this could include better provision for bus going A470 into Cardiff); also looking at speed limit reduction and VMS gantry signage to improve traffic management and air quality.

18. In addition to the modelling assumptions detailed above in Table 2 model, assumptions have been made for measures that can only be modelled in terms of improvements to NO_x emissions in the air quality model and these are detailed in **Table 3**.

Table 3 - Emission Based Measures

Measure	Description
ULEB application for 36 electric buses	The 36 buses were allocated to routes 27, 49/50, 44/45, with the related bus AADT removed as these are now zero emission. The remaining bus fleet is then adjusted to reflect the removal of 36 older Euro3 vehicles.
Taxi licensing requiring a 10 year age limit and all new renewal or grants 2019 to be minimum Euro 6	Taxi fleet adjusted to remove all vehicles over 10 years old and replace these by new Euro 6 vehicles
Retro-fit programme to convert remaining buses to Euro 6	Retro-fit programme to convert remaining buses to Euro 6, similar to Clean Bus Technology Fund (CBTF)

19. The package of measures have been assessed accumulatively in terms of combining the measures identified in CASAP 1 with CASAP 2 and finally all measures have been assessed together as CASAP 3. The results of the measures in terms of delivering compliance on Castle Street are summarised as follows:

▪ **CASAP 1 by 2021**

- ❖ Implementation of 36 Electric Buses;
 - ❖ Impact of revised Taxi Licensing Policy ;
 - ❖ Active travel package;
 - ❖ Cycling programme to end of 2020; and,
 - ❖ 50mph on A4232.
- NO₂ concentrations on Castle Street have been modelled to reduce from 41.1 µg/m³ to 37 µg/m³ by the implementation of the above measures.

▪ **CASAP 2 – all of CASAP 1 +**

- ❖ City Centre West and East Schemes;
 - ❖ A48 P&R;
 - ❖ J33 P&R; and,
 - ❖ Revised Parking Charges at Council Car Parking Spaces.
- NO₂ concentrations on Castle Street have been modelled to reduce from 41.1 µg/m³ to 36 µg/m³ by the implementation of the above measures.

▪ **CASAP 3 – all of CASAP 1 +2**

- ❖ Retrofit Programme for Buses;
- ❖ A470 additional southbound traffic lane; and,
- ❖ Nantgarw P&R.

➤ NO₂ concentrations on Castle Street have been modelled to reduce from 41.1 µg/m³ to 35 µg/m³ by the implementation of the above measures.

20. In addition to achieving compliance on Castle Street, the impact of the package of measures has also been modelled at local air quality monitoring locations, including locations within existing Air Quality Management Areas (AQMAs). The results of the modelling indicate that all monitoring locations are expected to have concentrations below the 40 µg/m³ which further demonstrates that the package of measures will improve local air quality including within existing AQMAs.
21. It should be noted that the CASAP results do not include the impact of the City Centre North (Castle Street) proposals, as modelling work commenced prior to understanding the outline design of this scheme, and thus it has not currently been assessed.
22. The ruling of the ClientEarth 2 set out three tests that Clean Air Plans (the Feasibility Study) must meet in order that they are seen to comply with Article 23 of the EU Directive. The third test states that the plans must demonstrate that compliance with the limit values is not just possible, but likely.
23. As summarised above through the implementation of the full CASAP 3 measures the level of compliance that is modelled to be obtained on Castle Street, is the greatest with NO₂ concentrations reduced from 41.1 µg/m³ to 35 µg/m³. Owing to the level of uncertainty in the air quality modelling achieving a level of 35 µg/m³ or better is an important target for the Council to obtain. Probability analysis undertaken by the consultants, indicates that modelled levels of 35 µg/m³ or less gives a greater than 80% probability that compliance with the limit value will actually be achieved, when the measures are implemented.

24. As a comparison the results of the modelling undertaken on the CAZ scenarios are summarised as follows:
- CAZ 1 – Private cars - achieves compliance on Castle Street – 32.5 µg/m³
 - CAZ 2 – Commercial vehicles – NO₂ levels on Castle Street are 35.3 µg/m³
25. With regards to the results of CAZ 1, when compared to the CASAP results, analysis shows that whilst the CAZ is generating better emissions reductions in some streets in the city centre where the CAZ is targeted, it actually increases emissions elsewhere, on the peripheral of the CAZ, as the CAZ does not include some of the wider measures such as the bus and cycling measures. In essence, what the results show is that potentially a city package of CASAP measures achieves compliance on the road link of non-compliance, and provides greater overall air quality improvements across the City, than a charging scheme focused on the city centre.
26. As previously stated, Government guidance is quite clear that a charging CAZ should only be considered as a preferred option if other non-charging measures are not sufficient to bring about compliance in the shortest possible time. Given that the modelling undertaken has demonstrated that a package of measures achieves compliance in the same period as charging CAZ, then ultimately the Council can justify implementing a package of measures as a preferred option rather than a CAZ. In addition to this, the implementation of the non-charging measures provides wider air quality improvements across Cardiff as a whole, including within the existing AQMAs.

Outline Costs for Implementing the Preferred Option

27. Additional qualitative assessment undertaken by the project team and consultants on the initial shortlist measures concluded that a number of the measures should be removed from the assessment as they are not considered feasible, in terms of them being fully implemented by the end of 2020 and also that the measures only have a minimal direct impact on NO₂ concentrations on Castle Street. The following measures have therefore been removed from further assessment in the OBC:
- 50mph on A4232 (CASAP1);
 - A48 Park & Ride (CASAP 2);

- J33 Park & Ride (CASAP 2);
- A470 additional southbound traffic lane (CASAP 3);
- Nantgawr Park & Ride (CASAP 3).

28. In order to develop a final revised package of measures for assessment in the Full Business Case for the Final Plan, further assessment of air quality and transportation modelling will be undertaken to enable the Council to develop the Full Business Case. This will include the full detailed socio-economic distribution of the measures and a distributional analysis to understand the extent to which these measures may impact on the residents of Cardiff and those that travel in to the city. For the final business case assessment these additional considerations will be assessed in more detail in terms of a health impact assessment and a distributional impact assessment.
29. The Full Business Case will also assess any appropriate mitigation measures that the Council may be required to implement in order to reduce the impact of any displacement effects that the measures may have on surrounding communities.

Wider Measures – Clean Air Strategy

30. As the Initial Plan and OBC for the feasibility study have been developed from the long list of measures set out in a draft Clean Air Strategy and Action Plan. It is felt that it is important to include a finalised Clean Air Strategy with the OBC to further support the longer term ambition of the Council to reduce NO₂ levels as low as reasonable practicable.
31. The strategy coincides with Cardiff's Capital Ambition report and it is hoped that it will help deliver the Capital Ambition, with an overarching aim to improve air quality to protect and improve public health in Cardiff. The Clean Air Strategy will appoint strategic measures that will look to generate a positive impact to citywide air quality levels, in particular traffic derived NO₂ levels.
32. The Clean Air Strategy (due to be published shortly) sets out additional longer term strategic measures that, whilst not necessarily delivering compliance with the limit value in the shortest possible time, are further measures that implemented through an Action Plan will contribute to wider air quality improvements, specifically in the

AQMAs. The key theme of the measures is to increase the uptake of sustainable and active travel modes by influencing behavioural change in Cardiff. Some of the measures detailed in the Clean Air Strategy include:

- Implementation and Enforcement of Non-Idling Zones;
- Installation of Living Walls and other Green Infrastructure;
- EV Infrastructure and Council Fleet Measures;
- Car Clubs with Low Emission/ Zero Emission Vehicles;
- Air Quality Planning Guidance; and,
- Schools Active Travel Programmes.

Engagement Exercise

33. As detailed within the OBC Management Case, a detailed engagement/ communication strategy has been developed in order to inform the key stakeholders, businesses, and the wider community on how the OBC has developed a preferred option. The communications strategy sets out the following objectives:

- To advise the public and stakeholders on the process that has to be followed to develop the OBC to meet the requirements of the Welsh Government;
- To provide information on the measures that are being proposed in the OBC, what these measures are and how these measures will be benchmarked against a variety of possible Clean Air Zones in terms of the timescales for achieving compliance; and,
- To give the public and stakeholders the opportunity to ask any questions through the engagement process and receive responses from the project team.

34. The proposed strategy is a high-level communication exercise, which is ultimately a pre-engagement exercise in relation to the Council's clean air feasibility study. Further detailed statutory consultation will be undertaken, specifically on the City Centre Schemes separately, as their design and implementation are approved and will be taken forward as separate schemes.

35. It is proposed that the engagement exercise will run from the Wednesday April 3rd for a period of six weeks. This will enable the Council to consider feedback from the engagement exercise as the FBC is developed and finalised.

36. This timeframe is viewed as the maximum that can be allowed, given the short timescales for the Council to complete the FBC by the legal deadline of 30th June 2019. Similar engagement timescales have been followed by other local authorities.

Refined Shortlist of Measures to be Assessed in Full Business Case

37. The OBC has proposed a refined package of measures as the Councils preferred option which includes the following measures:
- Electric Buses – 36 Electric Buses to be implemented on a number of routes within the City Centre;
 - Bus Retro Fitting Programme –Target up to 96 buses that currently do not meet latest Euro 6 emission standard;
 - Taxi Licensing Policy and Mitigation Scheme;
 - City Centre Loop Schemes, inclusive of Castle Street ; and,
 - Active Travel Measures.

Funding for Measures

31. The letter from Hannah Blythyn Minister for the Environment confirmed that finance would be made available for the production of the feasibility study and for the implementation of the chosen scheme. The Welsh Government has also stated in its Final Supplemental NO₂ Plan that it has allocated over £20 million for an Air Quality Fund through to 2021 to help accelerate compliance with NO₂ limits and improve air quality in Wales. The Welsh Government has also stated that this fund will primarily be used to provide on going support, guidance and finance to enable Cardiff Council (and Caerphilly County Borough Council) to take action to achieve compliance in the shortest possible time. It further states that the fund will be used to ‘deliver the options which will achieve compliance with limit values in the shortest possible time.’
32. It is anticipated that the revised shortlisted of measures detailed in paragraph 29 (above) will be funded in the following way:
- **Electric Buses** - Cardiff Council and Cardiff Bus, bid jointly to the Department of Transport (DfT) Ultra Low Emission Bus (ULEB) Grant fund for funding of up to **£5.7M** for 36 electric buses and associated charging infrastructure. The Grant

Funding contributes 75% of the cost difference between the purchase of conventional diesel buses and their electric equivalent and 75% of the capital for the required infrastructure. The full of the implementation of this measure will be developed further and detailed as such in the Full Business Case.

- **Bus Retro-Fitting Programme** - In 2017, Cardiff Council and Cardiff Bus submitted a joint bid to the DfT's Clean Bus Technology Fund (CBTF) for the retrofitting of some 94 buses that do not meet the latest Euro 6 diesel emission standards. This programme would look to fit approved technology to older buses, rather than having to fully replace them with Euro 6 or E-Buses. In terms of costs the initial funding bid calculated a cost of **£1.36M** (ex VaT) to complete the retro fit on all 96 buses. This scheme will be open to all bus operators who may wish to apply to the scheme for funding to support the retrofitting of suitable buses using approved technology.
- **Taxi Licensing Policy and Mitigation Measures** - On the 5th March the Public Protection Committee approved for Shared Regulatory Services to consult on the proposals to amend the Council's taxi licensing policy which would see the introduction of new emissions and age requirements for the granting of new licenses and/ or change of vehicle applications on new existing licenses. The proposals would require that any vehicle included on the application for a new grant is a minimum Euro 6 emission standard (petrol and diesel) as part of the license application. The same emission standard would also apply for any change of vehicle on an existing license.

Following the detailed consultation on this proposal the Public Protection Committee will then be asked to approve the revisions of the Councils licensing policy, with an implementation date to be agreed. Whilst there is no direct cost the Council for implementing the revised license conditions, the economic assessment will include for the provision of mitigating measures for the taxi trade. A number of Councils in the UK have already introduced similar vehicle emission standards on taxis, but in doing so they have worked to assist the taxi trade by offering incentive schemes. Once such scheme is that offered by Southampton City Council.

Southampton provide a grant to taxi drivers to assist them in upgrading their vehicles. For Fully EVs Southampton provide a **£3k** and for plug in hybrids, **£2.5k** is offered.

If Cardiff Council was to provide a similar grant scheme, through the Air Quality Fund, based on the number of private hire vehicles and hackney carriages that do not meet the latest Euro 6 emission standards (~1800 vehicles) further funding of between £5.5M (Fully EV) and £3.6M (Plugin hybrids) would be required to support a grant scheme. The provision of such scheme will therefore be included as part of the Councils OBC and the full details of such a scheme developed for the FBC.

- **City Centre ‘Loop’ Schemes** - In identifying the required funding for City Centre Transport improvement Schemes, only those schemes that are likely to be implemented up to the end of 2021, have been included for consideration. Currently it is forecasted that these schemes could cost in the region of **£18.9M**, subject to appropriate detailed designs.

The breakdown of these costs is presented in Table 1, and gives the project total costs excluding any existing match funding bids.

Table 1 - Funding for City Centre Schemes

Name of Scheme	Required Funding to Complete Schemes up to end of 2021
City Centre West (Westgate St/ Wood St & Ctrl Sq	£7.6M
City Centre North (Castle St) and Blvd de Nantes	£7.1M
Eastside Phs 1 –	£4.2M
Total £18.9M	

Further detailed local modelling of the above schemes is ongoing in terms of both transportation and air quality impacts. The results of this additional modelling/ assessment will be used to further enhance the Full Business Case for these schemes measures.

- **Active Travel Measures** - The total projected costs to complete a wider 20mph area/Active Travel role out (2 additional areas of Grangetown and SE Cardiff (Splott/Adamsdown)), and completion of the CS1 to University Hospital Wales

(UHW) is forecasted at £7.3M. **To date £3M** has been bid for from the Active Travel Fund for CS1, with a remaining funding deficit to compete CS1 of £2.8M and £1.4M for the Active Travel/ 20 mph areas required.

Excluding existing funding bids the estimated OBC costs to implement the package of measures as a preferred option is summarised below in **Table 2**.

Table 2 - Final Preferred Package of Measures Funding Costs

Measure	Est. Funding Requirements £M
Measure	
Electric Buses	£1.8M
Bus Retrofit	£1.4M
Taxi Mitigation Schemes	£5.5*
City Centre Schemes	£18.9M
Active Travel and CS1 Completion	£4.2
Total:£31.8M	

33. In addition to the above funding mechanisms, the Council will continue to work collaboratively with Welsh Government officials to identify all available and an appropriate funding mechanisms including the Air Quality Fund, Local Transport Fund and Active Travel Fund in order to maximise the financial contribution from Welsh Government towards the implementation of the measures to be included in the Final Business Case.

Next Steps

34. The revised shortlisted measures will be further assessed as a final package of measures to enable the Council to development of the Full Business Case, including full socio-economic assessment of the preferred option.
35. The results of the assessment will then demonstrate the level of compliance that will be achieved by implementing the preferred option on Castle Street, and elsewhere across the City including within the existing AQMAs. The preferred option will be subject to a full economic assessment following appropriate guidance to demonstrate the full impact of implementing the preferred option. This report will be reviewed and assessed by the Welsh Government’s expert Review Panel prior to

final approval of the Councils preferred option being provided from Welsh Government.

Cabinet Report Recommendations

36. It is anticipated that the report titled 'Air Quality Feasibility Study Outline Business Case – Welsh Government Direction' that is due to be received by Cabinet on the 21st March will make the following recommendations:
- To note the Clean Air Feasibility Study Outline Business Case Report produced by the Council. This recommends that the Councils preferred option to achieve compliance in the shortest possible time is a package of measures, rather than a Charging Clean Air Zone.
 - To note the package of measures that will be further assessed and developed into a Full Business. These will be brought to Cabinet for approval prior to submitting to Welsh Government no later than the 30th June 2019, to comply with the requirements of a Final Plan as per the legal direction.

Previous Scrutiny

37. The Environmental Scrutiny Committee has been very involved in reviewing the work being undertaken by the Council to improve air quality in the city. In the last twelve months they have completed two pieces of scrutiny on the topic, these are referenced below.
38. **Pre Decision Scrutiny: Air Quality Cardiff** - On the 27th March 2018 they received an item at Committee titled 'Pre Decision Scrutiny: Air Quality Cardiff'. This considered a report titled 'Air Quality Cardiff' that was received by Cabinet at its meeting on the 28 March 2018. The main reasons for the Cabinet report were described as:
- To note that the Council has received a legal direction from Welsh Government titled Environment Act 1995 (feasibility study for Nitrogen Dioxide Compliance) Air Quality Direction 2018.
 - To enable Cabinet to approve the undertaking of a feasibility study as required by the legal direction from Welsh Government.

- To approve the procurement of a specialist consultant to undertake the feasibility study to identify options for improving air quality and delivering compliance with the legal limits for nitrogen dioxide in Cardiff.
39. After the meeting a letter was sent to the Cabinet detailing the questions, comments and observations of the Committee. A copy of this letter along with the Cabinet response are attached to this report as **Appendices 1 & 2**.
40. **Improving Cardiff's Air Quality** – During 2017/18 the Environmental Scrutiny Committee ran a task & finish exercise titled 'Improving Cardiff's Air Quality'. The inquiry considered a range of aspects that have an impact on Cardiff's air quality and consulted with a number of industry experts. The report made 31 recommendations and was presented to Cabinet on the 20th September 2018. To date there has been no Cabinet response. A copy of the inquiry report is attached to this document as **Appendix 3**.

Way Forward

41. Councillor Caro Wild, Cabinet Member for Strategic Planning & Transport, Councillor Michael Michael, Cabinet Member for Clean Streets, Recycling & Environment and Councillor Susan Elsmore, Cabinet Member for Social Care, Health & Well Being have been invited to attend for this item. They will be supported by officers from the Planning, Transport & Environment Directorate.

Legal Implications

42. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural

requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

43. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- (i) Consider the information in this report and the information presented at the meeting;
- (ii) Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter; and,
- (iii) Decide the way forward for any future scrutiny of the issues discussed.

DAVINA FIORE

Director of Governance & Legal Services

13 March 2019